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BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

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OFFICE OF THE SECRETARY

SPECIAL SERVICES REFORM, 1996

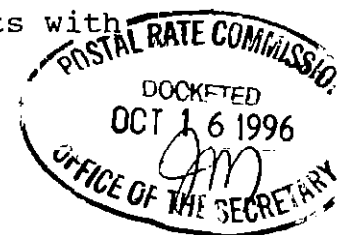
Docket No. MC96-3

DOUGLAS F. CARLSON
MOTION IN SUPPORT OF MOTION OF DAVID B. POPKIN
TO MODIFY RULES OF PRACTICE
CONCERNING LIBRARY REFERENCES

October 8, 1996

With the modifications discussed below, I support the motion of David B. Popkin to modify the Commission's Rules of Practice to require the party answering an interrogatory to provide other participants with a copy of any library references that that party files in this case.

As a participant in MC96-3 for nearly three months, I have been concerned by the Postal Service's use of library references to answer interrogatories. Admittedly, most of the library references have been filed in response to interrogatories that did not affect the specific issues with which I am concerned in this case. Nonetheless, these library references are, essentially, inaccessible to me because I live in California and cannot afford to fly to Washington to review library references. The Postal Service apparently is not willing to provide participants with



copies of library references that it files. See DBP/USPS-T8-16(d) and 18.

In many, if not most, instances, the Postal Service's filing of a library reference appears to have been the most practical method of answering an interrogatory. For example, a library reference containing a large document or a diskette may be more practical than a written, textual response to an interrogatory. In other cases, however, responding to a participant's interrogatory by filing solely a library reference may effectively frustrate discovery for participants who reside outside the Washington, DC, metropolitan area. For example, the Postal Service cited LR-SSR-137, Materials Responsive to DBP/USPS Interrogatories, to answer DBP/USPS-T1-1(j), 3(d), 6, and 7(b) and DBP/USPS-T8-11. The answers to DBP/USPS-T1-6 and DBP/USPS-T8-11 appear to consist of photocopies of only a few pages of transcripts from R87-1, R90-1, and R94-1. These photocopies could be provided to a participant at a very low cost. The other items contained in LR-SSR-137 also may be in a size and form for which duplication would be practical.

I propose that the Special Rules of Practice be modified to provide that a party filing a library reference--as direct or rebuttal evidence or in response to discovery requests--be required to provide any participant with a copy

of that library reference upon specific request from that participant, provided that supplying a copy of the library reference would be practical and reasonable. Applying the proposed rule to Mr. Popkin's interrogatories, the Postal Service would be required to furnish copies of most, if not all, of the items contained in LR-SSR-137 to participants who requested that the Postal Service furnish them with copies. To the extent that parties are concerned about the burden of providing other participants with copies of library references, parties could consider instead providing the information through direct testimony or responses to discovery, thus eliminating or reducing the need for library references.

Dated: October 8, 1996



DOUGLAS F. CARLSON

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required participants of record in accordance with section 12 of the Rules of Practice and section 3(B)(3) of the Special Rules of Practice.



DOUGLAS F. CARLSON

October 8, 1996
Emeryville, California